

# AUSTIN WEEKLY STATESMAN.

AUSTIN WEEKLY STATESMAN, THURSDAY, JANUARY 27, 1898.

## NO HANGING TODAY

JUDGE BOOKS ISSUED A STAY OF EXECUTION IN THE CASE OF EUGENE BURT.

## RIDE AGAINST HIM FOR ORDER

ATTORNEY GEORGE WALTON WENT OVERLAND TO GEORGETOWN TO SEE JUDGE BOOKS.

## AFFIDAVIT WAS DULY RESPECTED

Attorney Walton Will Be Here This Morning at 4:30 O'clock With an Order to Sheriff White to Stay the Execution Pending the Insanity Trial.

Georgetown, Tex., Jan. 20.—(Special.)—There was some little excitement in legal circles here tonight about 9 o'clock when Attorney George Walton of Austin, one of the counsel in the famous Eugene Burt case, arrived in the city from Austin in a buggy, with his horses weary and worn from a wild chase across the country against time to save the neck of his client, who was sentenced to be hanged tomorrow in the jail at Austin for the murder of his wife and two children on the night of July 24, 1897. Attorney Walton had to come all the way from Austin by buggy for the reason that he did not have time to train the midnight train from Austin. Having missed the noon train, the time was too precious to wait for a midnight train, so making an engagement with Judge Brooks by telephone, he came over here from the Capital city in a buggy, filed an affidavit signed by H. R. Burt, a brother of the defendant, setting forth that he had grown insane since the time of his trial, and thus stayed the hanging booked for tomorrow at Austin. Judge Brooks was waiting for Attorney Walton when he arrived tonight from Austin, and at once gave him audience. The affidavit set forth that to the best knowledge and belief of the petitioner Eugene Burt was now insane, having become so since the date of his trial, and asked that the question of insanity be investigated and pending the decision that a stay of execution be granted. The affidavit was sworn to in due form and was such a formidable document in law that Judge Brooks promptly acknowledged its sacred rights and issued an order staying the execution of Burt until he can be tried for lunacy at the March term of the Twenty-sixth district court. The delay is due to the fact that the Twenty-sixth district court is not now in session at Austin and will not convene there until March. As the facts presented in this affidavit can only be tried in regular session of the court the proceedings have to necessarily be stayed until that time.

Attorney Walton was rather tired from his ride against time from Austin, but he was correspondingly happy at securing the reprieve for his client. He left at midnight for Round Rock, where he will catch the morning train to Austin, arriving there at 4:30 tomorrow morning. He will thus be in time to present the order of Judge Brooks for a stay of execution to Sheriff White, and there will be no hanging tomorrow in Austin, as was expected.

## THE NEWS RECEIVED HERE.

Maj. Buck Walton Receives News of the Stay of Execution.

Last night, about 9:30 o'clock, Maj. Buck Walton, one of the counsel for Burt, received telephone information from Georgetown stating that Judge Brooks had granted the stay of execution in the Burt case, and that Consulting Attorney George Walton, who had gone to Georgetown overland to secure the reprieve, would be back here this morning at 4:30 o'clock, on the bound train, with an order from Judge Brooks staying the execution until Burt can be tried for lunacy at the next term of the Twenty-sixth district court, which will be in March. This order, of stay of execution was not unexpected by those interested in the case, as the affidavit made by the brother of the defendant was entitled to consideration by the court, and as a result the execution had to be stayed.

## THE AFFIDAVIT FILED.

The Brother of the Condemned Man Says He Is Insane.

Yesterday evening one was interested in the outcome of the Burt case. The refusal of the governor to interfere left the attorneys but one course to pursue, and that was to file an affidavit that Burt had gone insane since his trial, and get some reputable citizen to swear to it. As was forecast in yesterday morning's Statesman, this course of procedure had been decided on by the attorneys and the brothers of the defense on Wednesday. Therefore, yesterday morning every one was on the qui vive to see what steps would be taken toward the filing of the affidavit. Yesterday, shortly after 1 o'clock, Attorney George Walton for the defense offered an affidavit signed by Mr. H. R. Burt, setting forth that in his opinion Eugene Burt had become insane since the trial. The affidavit read as follows:

State of Texas, Travis County.

In the Twenty-sixth judicial district court of Travis County, Texas, before me, the undersigned authority, on this day personally appeared H. Roscoe Burt, a reputable person, who, after being legally sworn, upon oath says that there is good reason to believe that the defendant, W. E. Burt, in the case of the State of Texas vs. W. E. Burt, No. 11014 in said court, has become insane and that he is now insane. The said defendant W. E. Burt being the same person now confined in the jail of Travis County, Texas, under a conviction of murder in the first degree in said case, and who has under the sentence of said court been ordered hanged on January 21, 1898, between 11 o'clock of 11 a. m. and sundown on said day.

H. ROSCOE BURT.

Sworn to and subscribed to before me this 20th day of January, 1898.

JAMES P. HART, Clerk District Court Travis Co., Tex.

When this affidavit was offered, District Clerk Hart declined to file it, saying that he did not have the authority, first that he would not file it until ordered to do so by Judge Brooks. Mr. Hart was actuated in this matter on the law purely, and he paid strict attention to it, owing to the gravity of the case. Had he filed the affidavit, in the opinion of some lawyers, under the law he would might near have placed the situation where the execution would have been stayed at once, but his refusal to file the affidavit until ordered to do so by Judge Brooks was a mistake.

There was nothing more than was expected by Attorney Walton, who, with a buggy and team in waiting, and taking them, he drove away at once for Georgetown to get a personal hearing from Judge Brooks looking to the consideration of the above named affidavit, and thereby secure a stay of execution.

During the afternoon speculation ran rife as to what would be done by Judge Brooks, and every one was asking about it. Every one realized the short time intervening between the time set for the execution, and therefore took of the suppressed excitement that was naturally attendant upon the movements of the attorneys. Burt's behavior, however, over in his cell Burt displayed little or no excitement. If he was uneasy about the coming of today and the uncertainty of his existence he did not manifest it. He talked to his wife, Mrs. Hughes quite freely yesterday and evidenced no apparent interest in the outcome of the fight to save his life.

## HORRIBLE ASSASSINATION.

Cowardly Brutes Murder an Industrious Colored Man.

Orange, Tex., Jan. 20.—(Special.)—Ed Woods, colored, aged 24, who was cropping on Mrs. John Bland's farm, ten miles west of this place, was aroused from his sleep just before 12 o'clock last night by some one who knocked at his door and told him that Mrs. Bland was very sick and wanted him to go after a doctor. Woods dressed hastily, opened his door and started for his home, when several shots were fired by men outside. Several bullets struck him in the body and he fell head forward upon the ground, but recovered sufficiently to crawl behind the house and call for help, when the assassins fled. Woods lived an hour or more after the shooting, but was unable to recognize the parties who did the shooting. He was positive there were three and probably four in the gang. Woods was married, industrious and peaceable negro.

## MONDAY CONVENTION.

Final Arrangements to Meet in Convention Next Week.

Indianapolis, Jan. 20.—The work of preparation for the monetary convention is nearly over, and when the delegates assemble in this city next week they will find everything in readiness for the business at hand. Messages and letters were received today from a number of cities, trying to get the delegates appointed delegates and the list of men prominent in business and financial circles who will attend the convention is still growing.

Governor Shaw, who will preside over the deliberations of the convention, will be accompanied by a delegation of twelve representative men of Des Moines. They will arrive Monday.

## State Democratic Convention.

Galveston, Tex., Jan. 20.—(Special.)—John Lovejoy of this city has received assurances from over half of the members of the state democratic executive committee of their support of Galveston as a place for the holding of the state convention. The executive committee will meet in Dallas next month.

## KLONDIKE RUSH.

San Francisco Transportation Companies Preparing for It.

San Francisco, Jan. 20.—The local transportation companies are preparing to accommodate the rush to the Klondike. The Pacific coast steamship company has arranged a schedule that will give a daily steamship service between San Francisco and Alaskan ports. The company expects to handle 10,000 passengers out of this city next month, and during the entire season the total tonnage in this port is calculated to accommodate 50,000 people.

About June 1 steamers will be placed on the run between this city and St. Michaels. The Alaska Commercial company will run the steamers St. Paul, Dora, Bertha and Portland, with an average carrying capacity of fully 300 persons each. These vessels will connect with the river steamers upon the breaking up of the ice, and not less than two hundred men will be made from here.

The Pacific Steam Whaling company will run steamers to Cook Inlet and Alaska. The means of getting to the gold fields will be greatly augmented when the vessels now in course of construction are completed.

## NEW ORLEANS PRESS GANG.

Their Club Opened and a Stag Social Followed.

New Orleans, Jan. 20.—The New Orleans Press club formally opened today with addresses by President Rigor, and representatives of the city and state, commercial bodies, bench and bar, physicians, socialists, clergy and others. A fashionable reception and musicale followed, and a stag social in which Elks, actors, musicians and newspaper men each had a division, lasting until morning.

## THE DREAD MAFIA.

Their Bloody Work in the Crescent City.

New Orleans, Jan. 20.—A Mafia murder was revealed today by the finding of a trunk in the open street in the rear of the city which contained the body of an Italian with the head almost cut from the body. The only clue is the fact that the body was brought there by a wagon at 9 o'clock last night.

## CHIEF CLERK RESIGNS.

And Will Do Railroad Work for the Y. M. C. A.

Omaha, Jan. 20.—George McDill, chief clerk to Horace G. Burt, president of the Union Pacific railroad, has resigned his position to travel throughout the United States promoting the work of the many railroad branches of the Young Men's Christian association.

## CONGRESSIONAL NEWS

MR. CLARK OF MISSOURI VIGOROUSLY FANNED A FLARING WAR FLAME.

## ROASTED THE REPUBLICANS

AND WITH DRAMATIC FERVOR PROCLAIMED THAT UNCLE SAM CAN WHIP THE WORLD.

## AKER REED AND MR. BAILEY

They Created a Sensational Episode That Overshadowed the Cuban Debate—The Teller Silver Resolution Taken Up in the Senate—Mr. Dingley on Wage Reductions.

Washington, Jan. 20.—Speaker Reed, from the rostrum of the house, and Mr. Bailey, leader of the democrats, from his place on the floor, glared at each other at the close of the Cuban debate today and joined an issue of veracity. This sensational episode completely overshadowed the interest in the Cuban debate, which has continued uninterruptedly in the house for three days during the consideration of the diplomatic and consular appropriation bill. Yesterday notice was given by Mr. Williams (dem.) of Mississippi that at the conclusion of the debate today a motion would be made to recommitt the bill with instructions. Today, when the motion was made by Mr. Bailey, it was ruled out of order by the speaker. Mr. Bailey thereupon started the house by affirming that he had a private understanding with the speaker by which a vote should be taken directly on the motion to recommitt. This the speaker emphatically denied, and these two leaders of their respective parties in the house, with white faces and voices shaken by emotion, set their statements against each other, while the galleries looked on in breathless amazement, and the members were in an uproar. Mr. Smith of Michigan, who said he was present, corroborated the speaker's side of the case. The result of the speaker's position was that a party vote was taken on the motion to recommitt. The debate today was not as interesting as on either of the two preceding days. The features were a characteristic speech by Champ Clark of Missouri, a strong appeal for conservatism from Mr. Johnson of Indiana, a presentation of the results of his observations in Cuba during his recent trip to the island from Mr. King (dem.) of Utah, and an hour's speech by Mr. Dingley of Maine in explanation of the cause of the reduction of the wages in the New England cotton industry.

## House Proceedings.

Washington, Jan. 20.—Before the Cuban debate was resumed in the house today, Mr. Lacey (dem.) of Iowa, chairman of the committee on public lands, called up a bill to extend the public land laws of the United States and to grant more right of way under certain restrictions to any railway organized under the laws of any state in the Union.

The bill had a special reference to Alaska. It was explained that the right of way grant was 100 feet on each side of the road, but the bill was not passed, specifically reserved. Without completing the consideration of the bill it went over and the house went into committee of the whole and resumed consideration of the diplomatic and consular appropriation bill.

Mr. Clark (dem.) of Missouri opened the debate with one of his characteristic breezy speeches. He said in part: "If Spain does not bring the war to a speedy termination, the United States ought to expel her from the western hemisphere. There can be no doubt as to what has been our traditional foreign policy. What our foreign policy is under the McKinley administration, like the peace of the country, is a mystery. In these days of McHannism, our foreign policy is so feeble, so cringing, so cowardly, that even old and decrepit Spain insults our flag, maltreats our citizens and searches our ships with perfect impunity. The McKinley administration, instead of sending men-of-war to protect our honor, assert our supremacy and teach them a lesson they will not forget, passes the hat around and invites the American people to contribute to the starving and dying Cubans.

"It is high time that we served plain and emphatic notice on all kings, emperors and potentates that the navies of the transatlantic powers shall not be used as contribution bureaus for questionable debts, as was a year or two ago at Corinto, and as was done a month or so ago at Hayti. The Cuban cause is this: For six years the insurgents have fought with a courage and suffered with a fortitude that has challenged the admiration of the world, save and except the McKinley administration. Three or four hundred thousand people—some of the papers say 600,000—have died, men, women and children, as much as the war was waged by any other hero who died that we might be free—and yet the McKinley administration lifts not its finger to stay this slaughter, and can think of nothing more for their relief than to pose as the big benign man.

"The party of Sumner, Chase and Seward, which proudly vaunted itself as the friend of man, has become the ally of pestilence and arson, famine, devastation, rape and murder.

"To every suggestion that we should re-enter upon a vigorous policy, we are met by the hysterical shriek that we are advocating war. It is not true, but suppose it were? There are some things worse than war—deplorable war was unquestionably one—and one of them is to play the cry baby act until we are despised by all nations and kindreds and tongues.

"Now that we number 70,000,000 souls, a republican administration can not be

taunted, kicked or cuffed into resenting an insult or demand for reparation for an injury. Such a contemptible and puny policy is enough to make Grant, Sherman, Sheridan, Dupont, Farragut and Porter restless in their coffins.

"My republican friends," he said in conclusion, "I invite you to lay aside the weight that is holding you down, assert your rights, come out on the side of eternal justice and human liberty, thereby demonstrating that you are worthy of the high vocation which you are called. We democrats and populists stand here ready to remove from America her great reproach. We on this side will contribute 152 votes. If only twelve republicans will break the yoke, defy their task masters and join us in the noble work, before the sun sets this day we will be the glad tidings ringing round the world that 'Cuba is free.' Free, thank God, by the act of the American congress."

At the conclusion of Mr. Clark's speech Mr. Hitt yielded to Mr. Otgea (rep.) of Wisconsin, who called attention to the embezzlement of money of Francis Hinton of Wisconsin, who died some years ago in Paris. (dem.) of Iowa, consul of the United States at the capital, and Mr. Hitt declared that there was no law by which the heirs of the deceased man could recover on the bond of the consul.

Mr. Williams (dem.) of Mississippi, a member of the foreign affairs committee, followed. He asserted that the granting of belligerent rights to the Cubans would afford them no advantage.

"Shades of history, and all the people who have rebelled against tyranny," he exclaimed, "what a pity that George Washington and Thomas Jefferson, when seeking the recognition of belligerency during the revolution did not know that belligerent rights could not be advantageous to them! What a pity that Robert E. Lee, Jefferson Davis and other confederate statesmen were not informed that belligerency would not aid their cause when they were seeking that recognition!"

"Have the Cubans a government to recognize?" asked Mr. Daltell (rep.) of Pennsylvania.

They have the sort of government other rebels had when they were rebelling against Spain.

"Who is their president?" "Bartholomew Masero," interposed Mr. King (dem.) of Utah.

"Is he the capital?" asked Mr. Daltell.

"At Cubitas," responded Mr. Williams, as if answering a catechism.

"At how many places was the American capital located during the revolution?" asked Mr. Daltell, looking down on the speaker with questions as to the name of the president of the United States during the revolution, etc., until Mr. Williams' time expired, and he was again returned.

Mr. King (dem.) of Utah, who has recently returned from a visit to Cuba, and who gave the house some of the results of his personal observations there.

He described the harrowing condition, characterized the scheme of autonomy as a delusion, and declared that peace came on that basis Spain would saddle the war debt on Cuba. There would be resistance, and once more the fires of revolution would be kindled. Permanent peace could not come until Cuba gained independence was achieved.

Mr. King affirmed that those in Havana who were openly committed to autonomy were secretly helping to drag it down. In Havana autonomy was derided and scorned on every side. In consequence he declared that the dream of those who believed peace could come to Cuba without independence would soon be rudely shattered.

Mr. Johnson (rep.) of Indiana, in a 15-minute speech sustained the course of the administration. The president, he said, had displayed good sense, sound judgment and exalted patriotism. Congress, he said, would not be warranted in attempting to override the president and rushing the country rashly into a quarrel with a tremendous consequence. He warned members that we might be standing nearer the brink of a crater than we imagined. Spain might be old and impotent and incapable of coercion, but she might lead her to a point where a response to her pride and courage, she might involve us in gigantic difficulties.

Mr. Simpson (pop.) of Kansas, speaking for the populists, said he was not trying to wake up nights worrying over the Cuban question. But he was satisfied, he said, that the real secret behind the attitude of the administration, was the fact that the holders of Spanish bonds, \$400,000,000 in amount, were not afraid that they would not get their money. He said the bondholders were not in control of the country as they had been during the Cleveland administration, and no action would be taken until the payment of these bonds had been guaranteed.

After some brief pre-Cuban speeches by Mr. Robinson (dem.) of Indiana and Mr. Cochran (dem.) of Missouri, Mr. Dingley (rep.) of Maine took the floor to reply to some remarks made during the course of the debate relative to the wage reductions in the cotton industry. After such a revulsion of business as the country had experienced during the past three years it was natural, he said, that recuperation was slow. In all but one industry (cotton) improvement was noted and wages had been advanced. Along with the 10 per cent reduction of wages in the cotton industry had come an increase greater than that in the American industry. He admitted, he said, that the depression in the cotton industry was unfortunate, but the cause was exceptional. It was due to the sudden and unexpected decline in the price of cotton. In three months the price had declined 20 per cent because the southern planters insisted upon growing 2,000,000 bales more than the world wanted.

Almost every cotton factory in New England had been shut with from six to eight months supply of 8-cent cotton in factured cotton on their hands. In addition to this, he pointed out the effect of competition that had grown up in the south, where longer hours and lower wages were in vogue. Eventually the south would come up to the northern standard, but temporarily political conditions gave the south the advantage.

Protective tariffs could afford nothing. The hours of labor in the states were not equalized. Mr. Dingley declared that the labor organizations would compel an amendment to the constitution which would permit congress to equalize hours all over the country.

Mr. Dingley had a great deal of cross-fire with southern members. The Cuban question was temporarily lost sight of and for more than an hour tariff was talked to the exclusion of everything else.

Mr. Dingley said those who were still "chattering" about the lack of revenues under the new tariff law, had better be prompt about it.

"For your opportunity to chatter will soon be over," he said, "Yesterday and today Mr. Lodge of Massachusetts then moved that the senate go into executive session. This was antagonized by Mr. Vest of Missouri, who called attention to the fact that he had given notice of his intention to take up the Teller resolution.

"It will be recalled," said Mr. Vest, "that the president of the United States was then a member of the house and voted for this resolution."

Mr. Vest held that the time had now arrived when the country must either go to a gold standard or make the contest for the financial system which he believed a great majority of the people were in favor of. He said he had no desire now to enter upon an elaborate discussion of the pending resolution, and if any senator on the other side of the chamber desired to speak on the question he would yield to him.

There was no response to this invitation to the republican side, and Mr. Vest was proceeding with his remarks, when Mr. Pitt of Connecticut asked if it was Mr. Vest's intention to press the resolution and secure an immediate vote.

"That is," interjected Mr. Aldrich, "is it the purpose of the senator to endeavor to secure a vote upon the resolution today?"

"I expect," replied Mr. Vest, "to endeavor to secure a final vote upon the resolution whenever, under the rules of the senate, a final vote can be reached."

The Missouri senator was proceeding with his remarks when the vice president, the hour of 2 o'clock having arrived, laid before the senate the unfinished business, the census bill. Mr. Vest moved to lay aside the unfinished business and to proceed with the discussion of the Teller resolution. The motion prevailed without division, the effect being to make the resolution the unfinished business. Mr. Vest then yielded to a suggestion of Mr. Aldrich that further consideration be postponed until tomorrow in order that those opposing might have opportunity to prepare for the debate.

Mr. Hoar objected to the consideration of the resolution, but withdrew his objection to afford Mr. Allen opportunity to make a statement. Mr. Allen then read a statement directed to the president by Mrs. Roberts. She said she is the wife of Edward Roberts, a Union soldier; that she was summarily dismissed from the pension office for "misconduct affecting her character." No charges were preferred against her, and she claims to have been treated cruelly and without opportunity to vindicate her character.

Mr. Gallinger said the presumption was that the statement of Mrs. Roberts had been properly referred and was now in the proper place to reach consideration. Mr. Gallinger then asked that the resolution go over until tomorrow.

The chair held that Mr. Lodge's motion to make precedences and the yeas and nays were demanded.

The vote resulted: Yeas, 27; nays, 30. The motion of Mr. Vest to take up the Teller resolution was then carried, 41 to 25, as follows:

Yeas—Allen, Bacon, Clark, Berry, Butler, Cannon, Chilton, Clete, Clay, Cook,rell, Faulkner, Harris, Herffeld, Jones of Arkansas, Kenny, Kyle, McHenry, Mallory, Mantle, Martin, Mills, Mitchell, Money, Morgan, Perkins, Pettigrew, Pettus, Prichard, Quay, Rawling, Rogers, Shoup, Stewart, Teller, Tillman, Turner, Vest, Walhall, Warren, White and Wolcott—41.

Nays—Aldrich, Allison, Baker, Cullum, Davis, Fairbanks, Frazier, Frye, Gallinger, Gear, Hale, Hanna, Handwerker, Hoar, Lodge, McBride, Morrill, Nelson, Platt of Connecticut, Phoebe, Sewall, Spooner, Thurston, Wetmore—25.

Mr. Vest then spoke in favor of the resolution, saying he had no desire at this time to stretch over old straw of fields, but hoped to be able to call the senate's attention to some reasons why the pending resolution should be agreed to by the senate. He said that twenty years had passed since the Stanley Matthews resolution was first put on the statute books, but he believed that there was no reason why this should be reiterated and the declarations contained therein, Mr. Vest maintained that if the resolutions were originally correct and proper they are correct.

"They do not in any sense," said Mr. Vest, "involve either repudiation or dishonor."

The senator maintained that the issue involving the consideration of the resolution had been thrust on the senate by the administration and that senators were required either to remain silent and by their silence give tacit assent to the recent declarations of the secretary of the treasury in favor of a gold standard, those declarations being evidently endorsed by the president, or else to reaffirm the Stanley Matthews resolution, which had been passed by the senate by a vote of more than two to one, and by the house by an overwhelming majority.

At 2:15 the senate went into executive session, and at 3:55 adjourned.

## TENNESSEE SENATORIAL CONTEST.

Fourteen Ballots Taken, With McMillan in the Lead.

Nashville, Tenn., Jan. 20.—The democratic legislative caucus held here to select a party candidate for the United States senate met again at 8 o'clock tonight, but did not nominate.

The first ballot resulted: McMillan, 37; Turley, 32; Taylor, 19.

Fourteen ballots were taken, during which McMillan lost two votes and gained two votes. Turley lost two and gained two and Taylor's vote was unchanged. The last ballot stood: McMillan, 39; Turley, 30; Taylor, 19. An immense crowd was present and interest in the contest is increasing. The caucus adjourned until tomorrow. The uncertainty with which the supporters of each candidate stand by their choice causes the growing belief that a prolonged deadlock is imminent.

## That Gallinger Jury.

Galveston, Tex., Jan. 21.—(Special.)—The jury in the Gallinger case is still locked up at the court house, not having as yet been able to reach an agreement.

## COURT SENSATION.

A Frenzied Prisoner in a Dallas Court Room.

Dallas, Tex., Jan. 21.—(Special.)—W. E. Smith shot and killed A. J. Spillers at Garland, two or three months ago. The case was called Tuesday, and the trial got into. At noon today, just before recess had been announced for dinner, Smith created a sensation in the court room. Without a moment's warning he became very violent and acted like an insane man. He caught sight of Deputy Sheriff William Work and attempted to assault him. He aimed a vicious blow at the deputy, but missed landing. Sheriff Cabell and other officers seized him and prevented him from doing bodily harm to those within range of his fists. Judge Clint ordered him returned to the sick ward of the county jail, and instructed Doctors Thurston and Florence to examine him. Yes, condition of the result of their investigation tomorrow.